

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHARLES BROOKS,

Plaintiff,

**9:13-cv-1483
(GLS/ATB)**

v.

ELIOT SPITZER et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Charles Brooks
Plaintiff *pro se*
C262223
CNY PC
PO Box 300
Marcy, NY 13403

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
Litigation Bureau
The Capitol
Albany, New York 12224

BRUCE J. BOIVIN
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation (R&R) by Magistrate Judge Andrew T. Baxter, duly filed

on February 9, 2016. (Dkt. No. 67.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties.

On March 16, 2016, Brooks timely filed objections to the R&R.¹ (Dkt. No. 70.) Brooks largely objects to the legality of his civil confinement at Central New York Psychiatric Center and to the allegedly inadequate process that he received during his state commitment hearing. (*Id.* at 4-10.) Brooks' due process claims were dismissed previously. (Dkt. No. 50.) Only Brooks' access to courts claim survived defendants' first motion to dismiss. (*Id.* at 9, 13.) Accordingly, Brooks' arguments directed at his previously dismissed due process claims are nonresponsive. Now, in response to Judge Baxter's February 9, 2016 R&R, Brooks raises only general objections regarding his access to courts claim, see *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *4 (N.D.N.Y. Jan. 18, 2006), and the court having reviewed the R&R for clear error and finding none, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 67) is

¹ The court granted Brooks' request for an extension to file objections by March 21, 2016. (Dkt. No. 69.)

ADOPTED in its entirety; and it is further

ORDERED that defendants' second motion to dismiss (Dkt. No. 53) is **GRANTED**; and it is further

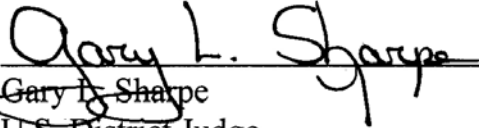
ORDERED that the complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

March 31, 2016
Albany, New York



Gary L. Sharpe
U.S. District Judge